

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

[PROPOSED] ORDER

Pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202, the Court declares that Proclamation 9844 of February 15, 2019, 84 Fed. Reg. 4949, is unlawful to the extent it authorizes border wall construction using funds appropriated by the 2019 Consolidated Appropriations Act for “military construction” under 10 U.S.C. § 2808. The Court further declares that Defendants’ border wall construction using funds appropriated by the 2019 Consolidated Appropriations Act for “military construction” under 10 U.S.C. § 2808, and “support for counterdrug activities” under 10 U.S.C. § 284, is unlawful. Defendants Mark T. Esper, in his official capacity as Secretary of Defense, Kevin McAleenan, in his official capacity as Acting Secretary of Homeland Security, Todd T. Semonite, in his official capacity as Commanding General of the United States Army Corps of Engineers, David Bernhardt, in his official capacity as Acting Secretary of the Interior, and Steven T. Mnuchin, in his official capacity as Secretary of the Treasury, and all persons acting under their direction, are enjoined from border wall construction using funds appropriated by the 2019 Consolidated Appropriations Act for “military construction” under 10 U.S.C. § 2808, and “support for counterdrug activities” under 10 U.S.C. § 284.

SO ORDERED this _____ day of October, 2019.

Hon. David Briones
Senior United States District Judge